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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summer.	09/929,023	CHAN ET AL.
Office Action Summary	Examiner	Art Unit
The MAN INO DATE of this assessmin dies and	Lisa Hashem	2645
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the	correspondence address
A SHORTENED STATUTORY PERIOD FOR REPL' THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply of 18 NO period for reply is specified above, the maximum statutory period volume to reply within the set or extended period for reply will, by statute any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be t y within the statutory minimum of thirty (30) da vill apply and will expire SIX (6) MONTHS fro , cause the application to become ABANDON	imely filed ays will be considered timely. m the mailing date of this communication. IED (35 U.S.C. § 133).
Status		
Responsive to communication(s) filed on 15 A This action is FINAL . 2b) ☑ This Since this application is in condition for alloware closed in accordance with the practice under E	action is non-final. nce except for formal matters, p	
Disposition of Claims		
4) ☐ Claim(s) 1-34 is/are pending in the application. 4a) Of the above claim(s) is/are withdraw 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1-34 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/o	wn from consideration.	
Application Papers		
9) ☐ The specification is objected to by the Examine 10) ☑ The drawing(s) filed on 15 August 2001 is/are: Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) ☐ The oath or declaration is objected to by the Examine 11.	a) accepted or b) objected drawing(s) be held in abeyance. So ion is required if the drawing(s) is o	ee 37 CFR 1.85(a). bjected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority document application from the International Bureau * See the attached detailed Office action for a list	s have been received. s have been received in Applica rity documents have been receiv u (PCT Rule 17.2(a)).	ition No ved in this National Stage
Attachment(s) 1) Notice of References Cited (PTO-892)	4) 🔲 Interview Summar	ry (PTO-413)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>5/2-4-2003</u>. 	Paper No(s)/Mail I	

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DETAILED ACTION

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1. Claims 1-34 are pending in this office action.

Information Disclosure Statement

2. An initialed and dated copy of Applicant's IDS form 1449, Paper No. 5, is attached to the instant office action.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "21" and "22" have both been used to designate hands-free device in pages 10-11, sections 0033 and 0034. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claim 25 is objected to because of the following informalities: 'A hands-free device for use with a the mobile phone'. Appropriate correction is required.

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Claim Rejections - 35 USC § 112

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5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 6. Claim 8 recites the limitation "the module fastener" in page 15. There is insufficient antecedent basis for this limitation in this claim.
- 7. Claims 9 and 20 recite the limitation "the clip type" in page 15 and page 17. There is insufficient antecedent basis for this limitation in these claims.
- 8. Claim 33 recites the limitation "the strap" in page 20. There is insufficient antecedent basis for this limitation in this claim.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 10. Claims 1 and 34 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent No. 6,356,645 by Trenkle.

Regarding claim 1, Trenkle discloses a hands-free device (Figure 1, 11) for use with a mobile phone (column 4, lines 61-66) and a vehicle seat headrest support structure, the device includes a speaker (Figure 1, 18) and a microphone assembly (Figure 1, 24) for use in combination with a connecting structure that couples the device to the connecting structure and

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simultaneously allows the connecting structure to engage the vehicle seat headrest support structure to secure the speaker and microphone assembly adjacent a head of an occupant of the seat to thereby allow the seat occupant to hear information communicated via the mobile phone and the speaker of the hands-free device while the occupant may simultaneously communicate via a microphone of the microphone assembly (column 4, line 38 – column 5, line 39).

Regarding claim 34, Trenkle discloses a method of securing a mobile phone hands-free speaker (Figure 1, 18) and microphone (Figure 1, 24) for use with a vehicle seat (Figure 1, 15), headrest (Figure 1, 16), and seat headrest support structure of the type comprised of a pair of pillars (Figure 1, 14) that structurally connect the headrest and a top of the vehicle seat, the method comprising the following steps:

- (a) inherently positioning a generally elongated hands-free speaker and microphone device (Figure 1, 11) adjacent the pair of pillars such that a projection of a line coincident with a centerline of the elongated device intersects the pair of pillars in a generally perpendicular manner (column 4, line 38 column 5, line 3),
- (b) securing the elongated device to the pair of pillars to thereby constrain the device positionally to be in a parallel relationship with the centerline of the device and in a generally perpendicular relationship to the pillars, to thereby provide a physically stable arrangement with the hands-free device secured to the headrest and seat via the pillars in close proximity to a neck and head of a mobile phone user employing the device when the mobile phone user/occupant is in the vehicle seat (see Figure 2; column 5, lines 39).

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Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 12. Claims 2-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,356,645 by Trenkle in view of U.S. Patent No. 6,567,651 by Whitley.

Regarding claim 2, the hands-free device of Claim 1, wherein Trenkle does not disclose the connecting structure is a strap.

Whitley discloses a method of providing a mobile phone hands-free speaker and microphone device, e.g. a mobile phone, by using an armband device (Figure 8, 30) comprising: securing said device to the armband device by means of a strap (Figure 8, 36) that passes through a slot in at least two spaced apart locations (Figure 8, 35) to thereby constrain the device positionally to be in a parallel configuration with the strap.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the mobile phone hands-free speaker and microphone device of Trenkle to include a strap as taught by Whitley to provide a hands-free speaker and microphone device that can be detached and moved from a vehicle. One of ordinary skill in the art would have been lead to make such a modification since the armband device can be adjusted and used to secure a hands-free speaker and microphone device on a headrest support structure.

Regarding claim 3, the hands-free device of Claim 2, wherein Whitley further discloses the strap includes a strap fastener (Figure 8, 37) secured to an end of the strap, and the device has

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an elongated housing that includes a span portion (Figure 7, 31) that is in part coupled to the strap over a section of the strap to thereby ensure that the elongated housing of the device is physically secured to and stably aligned with the strap in a generally parallel relationship to the strap over the strap section (column 5, line 59 – column 6, line 8).

Regarding claim 4, the hands-free device of Claim 3, wherein Whitley further discloses the span portion (see Figure 8) is at least as long as the strap is wide (see Figure 8, 36).

Regarding claim 5, the hands-free device of Claim 3, wherein Whitley further discloses the elongated housing portion that spans the strap section does so in such a manner that the device and strap are slidably secured relative to each other (see Figure 8).

Regarding claim 6, the hands-free device of Claim 5, wherein Whitley further discloses the strap section resides between the housing span portion (Figure 7, 31) and the elongated housing (as shown in Figure 8).

Regarding claim 7, the hands-free device of Claim 6, wherein Whitley further discloses the housing span portion is structurally configured to provide a region thereof adapted to receive a mating portion of the fastener (see Figure 8).

Regarding claim 8, the hands-free device of Claim 7, wherein Whitley further discloses a module fastener (as shown in Figure 8, (not labeled) to the left of Figure 8, 37) is movable and is secured to the strap for movement on the strap, the movable module fastener is provided with a mating fastener portion that allows the module fastener to be fastened to the region of the housing span portion that is adapted to receive the mating portion of the module fastener after the device, strap, and strap fastener have been secured as a unit to the support structure of the armband.

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Whitley does not disclose a support structure of a headrest.

Trenkle discloses a hands-free device for use with a mobile phone and a vehicle seat headrest support structure (see Figure 2).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the mobile phone hands-free speaker and microphone device of Whitley to include a headrest support structure as taught by Trenkle to provide a hands-free speaker and microphone device that located within the vicinity of the head of an occupant. One of ordinary skill in the art would have been lead to make such a modification since the armband device can be adjusted and used to secure a hands-free speaker and microphone device on a headrest support structure.

Regarding claim 9, the hands-free device of Claim 8, wherein Whitley further discloses the fastener portion of the module is of the clip type and includes a clip portion thereof that engages the housing span portion to thereby secure the device and a portion of the strap to the module slidably secured to the strap (as shown in Figure 8, (not labeled) to the left of Figure 8, 37).

Regarding claim 10, the hands-free device of Claim 9, wherein Trenkle discloses the headrest support structure is comprised of a pair of separated support pillars (Figure 1, 14) that couple the headrest to the vehicle seat, thereby establishing a highly stable physical relationship between the device, the recesses, and pillars behind the neck and head of a vehicle occupant, wherein the recesses secure the device between the support pillars.

Trenkle does not disclose a strap to fasten around a pillar.

Whitley discloses a strap extending from the strap fastener around a arm of a user, to and through the span portion of the device and then around the arm and through the movable module secured thereto and finally returning to a secured relationship with the strap fastener, at the moment the movable module is fastened to the housing span portion, the strap then takes on an overall "8" shaped configuration around the arm of a user (see Figure 8; column 5, line 59 – column 6, line 22),

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the mobile phone hands-free speaker and microphone device of Trenkle to include a strap as taught by Whitley to provide a hands-free speaker and microphone device that can be detached and moved from a vehicle. One of ordinary skill in the art would have been lead to make such a modification since the armband device can be adjusted and used to secure a hands-free speaker and microphone device on a headrest support structure.

Regarding claim 11, the hands-free device of Claim 10, wherein Trenkle further discloses the elongated housing is adapted to support the speaker in such a manner that sound from the speaker (Figure 2, 20) exits the housing proximate a neck and head region of the occupant (see Figure 2).

Regarding claim 12, the hands-free device of Claim 11, wherein Trenkle further discloses the elongated housing is provided at one end thereof with a microphone assembly (Figure 2, 24; column 4, lines 61-66).

Regarding claim 13, the hands-free device of Claim 12, wherein Trenkle further discloses the microphone assembly is comprised of a flexible arm secured at one and thereof to the elongated housing and provide at the other end with a microphone, the flexible arm and

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microphone are manually positionable to allow an occupant in the vehicle seat to adjust the microphone location to be proximate the mouth of the occupant (column 5, lines 55-61).

Regarding claim 14, the hands-free device of Claim 2, wherein Whitley further discloses the strap includes a strap fastener (Figure 8, 37) secured to an end of the strap, the device is coupled to the strap in at least two locations on the device (Figure 8, 35) and cooperates with the strap and strap fastener to allow the device to be adjustably secured to the arm.

Trenkle discloses a hands-free device for use with a mobile phone and a vehicle seat headrest support structure (see Figure 2).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the mobile phone hands-free speaker and microphone device of Whitley to include a headrest support structure as taught by Trenkle to provide a hands-free speaker and microphone device that located within the vicinity of the head of an occupant. One of ordinary skill in the art would have been lead to make such a modification since the armband device can be adjusted and used to secure a hands-free speaker and microphone device on a headrest support structure.

Regarding claim 15, the hands-free device of Claim 14, wherein Whitley further discloses the strap fastener is a buckle or adjustable clip (see Figure 8, 37).

Regarding claim 16, the hands-free device of Claim 14, wherein Whitley further discloses the device has a housing cover (Figure 7, 31) that is adapted to receive the strap at the two locations (Figure 8, 35) in such a manner that the device and strap are slidably secured relative to each other and thereby causes the device to maintain a substantially parallel relationship along the cover of the device and a portion of the strap.

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Regarding claims 17-19, 21-22, and 24, please see the rejections for the hands-free device in claims 6-8, 10-11, and 13 above, respectively, to reject the hands-free device in claims 17-19, 21-22, and 24.

Regarding claim 20, the hands-free device of Claim 19, wherein Whitley further discloses the fastener portion of the module is of the clip type (as shown in Figure 8, (not labeled) to the left of Figure 8, 37) and includes a clip portion thereof that engages the housing span portion to thereby secure the device and a portion of the strap between the two locations to the module slidably secured to the strap (see Figure 8).

Regarding claim 23, the hands-free device of Claim 22, wherein Trenkle further discloses the microphone assembly is of the gooseneck type (see Figure 2).

Regarding claim 25, Trenkle discloses a hands-free device for use with a mobile phone (Figure 1, 25; column 4, lines 61-66) and a vehicle seat headrest support of the type that includes a pair of pillars (Figure 1, 14) that extends from headrest (Figure 1, 16) into a top portion of a vehicle seat (Figure 1, 15), the device comprising: a generally elongated shaped housing that includes therein a speaker (Figure 1, 18), and is provided at one end thereof with a microphone assembly (Figure 1, 24), the elongated shaped housing is provided with a securing structure that accommodates a helical spring (Figure 1, 28) to be secured with a recess (Figure 1, 29); wherein at another end of the device is another recess (Figure 1, 29) to thereby secure the device between the pillars and intermediate the headrest and a top of the seat (column 5, lines 4-39).

Trenkle does not disclose the elongated shaped housing is provided with a strap securing structure that accommodates a strap end that passes through the strap securing structure and around both pillars to be secured with a strap fastener at another end of the strap.

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Whitley discloses a method of providing a mobile phone hands-free speaker and microphone device, e.g. a mobile phone, by using an armband device (Figure 8, 30) comprising: securing said device to the armband device by means of a strap (Figure 8, 36) that passes through a slot in at least two spaced apart locations (Figure 8, 35) to thereby constrain the device positionally to be in a parallel configuration with the strap, the strap then passing around the arm whereupon the strap is fastened to itself (column 5, line 59 – column 6, line 22); wherein a strap securing structure (Figure 8, 34) that accommodates a strap end (Figure 8, 36) that passes through the strap securing structure and around through two slots (Figure 8, 35) to be secured with a strap fastener (Figure 8, 37) at another end of the strap.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the mobile phone hands-free speaker and microphone device of Trenkle to include a strap as taught by Whitley to provide a hands-free speaker and microphone device that can be detached and moved from a vehicle. One of ordinary skill in the art would have been lead to make such a modification since the armband device can be adjusted and used to secure a hands-free speaker and microphone device on a headrest support structure.

Regarding claim 26, the hands-free device of Claim 25, wherein Whitley further discloses the strap securing structure is configured to couple a region of the strap in at least two locations on the device to the strap (see Figure 8, 35).

Regarding claim 27, the hands-free device of Claim 26, wherein Whitley further discloses the strap securing structure at the two locations allows the device to be slidably secured relative to the strap and thereby causes the device to maintain a substantially parallel relationship along the elongated housing and the region of the strap between the two locations which ensures the

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speaker and microphone assembly are consistently positioned (see Figure 8; column 5, line 59 – column 6, line 22).

Whitley does not disclose ensuring the speaker and microphone assembly are consistently positioned behind a neck and head of a vehicle seat occupant when seated.

Trenkle discloses the speaker and microphone assembly are consistently positioned behind a neck and head of a vehicle seat occupant when seated (see Figure 2).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the mobile phone hands-free speaker and microphone device of Whitley to include the assembly behind the neck and head of an occupant as taught by Trenkle to provide a hands-free speaker and microphone device that located within the vicinity of the head of an occupant. One of ordinary skill in the art would have been lead to make such a modification since the armband device can be adjusted and used to secure a hands-free speaker and microphone device on a headrest support structure.

Regarding claim 28, the hands-free device of Claim 27, wherein Whitley further discloses the elongated housing is provided with a span structure or body (Figure 7, 31) that is integral with and spans the two locations (Figure 8, 35) such that the strap when present will reside between the elongated shaped housing and the span structure (as shown in Figure 8).

Regarding claim 29, the hands-free device of Claim 28, wherein Whitley further discloses the span structure is configured to provide a region thereof adapted to receive a mating portion of a movable fastening unit (as shown in Figure 8, (not labeled) to the left of Figure 8, 37).

Regarding claim 30, the hands-free device of Claim 29, wherein Whitley further discloses the movable fastening unit is secured to the strap for movement along the strap, the fastening

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unit is provided with a mating portion that cooperates with the span structure after the device, strap and strap fastener has been secured around the arm and the fastening unit has been secured via the mating portion to the span structure (see Figure 8).

Regarding claim 31, the hands-free device of Claim 25, wherein Whitley further discloses the strap fastener is a buckle or adjustable clip (see Figure 8, 37).

Regarding claim 32, Trenkle discloses a method of providing a mobile phone hands-free speaker and microphone device (Figure 1, 11) for use with a vehicle seat (Figure 1, 15), headrest (Figure 1, 16), and seat/headrest support structure (Figure 1, 14) comprising the following steps:

(a) positioning a generally elongated hands-free speaker and microphone device adjacent the headrest support structure that structurally interconnects the seat and headrest (column 4, line 38 – column 5, line 3), (b) securing the elongated device to the headrest support structure by means of a helical spring (Figure 2, 28) that passes through portion of the device to thereby constrain the elongated device positionally to be in a parallel configuration with the helical spring, the spring is fastened in place by a recess (Figure 2, 29) to thereby provide a physically stable arrangement with the hands-free device secured between the headrest and seat in close proximity to a neck and head of a mobile phone user/occupant (Figure 2, 27) in the vehicle seat (column 5, lines 4-39).

Trenkle does not disclose securing the elongated device to the headrest support structure by means of a strap that passes through a portion of the device in at least two spaced apart locations, the strap then passing around the support structure whereupon the strap is fastened to itself.

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Whitley discloses a method of providing a mobile phone hands-free speaker and microphone device, e.g. a mobile phone, by using an armband device (Figure 8, 30) comprising: securing said device to the armband device by means of a strap (Figure 8, 36) that passes through a slot in at least two spaced apart locations (Figure 8, 35) to thereby constrain the device positionally to be in a parallel configuration with the strap, the strap then passing around the arm whereupon the strap is fastened to itself (column 5, line 59 – column 6, line 22).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the mobile phone hands-free speaker and microphone device of Trenkle to include a strap as taught by Whitley to provide a hands-free speaker and microphone device that can be detached and moved from a vehicle. One of ordinary skill in the art would have been lead to make such a modification since the armband device can be adjusted and used to secure a hands-free speaker and microphone device on a headrest support structure.

Regarding claim 33, Trenkle discloses a method of providing a mobile phone hands-free speaker and microphone device (Figure 1, 11) for use with a vehicle seat (Figure 1, 15), headrest (Figure 1, 16), and seat/headrest support structure (Figure 1, 14) comprising the following steps: (a) positioning a generally elongated hands-free speaker and microphone device adjacent the headrest support structure that interconnects the seat and the headrest (column 4, line 38 – column 5, line 3), (b) securing the elongated device to the headrest support structure by means of a helical spring (Figure 2, 28) that passes through portion of the device to thereby constrain the elongated device positionally to be in a parallel configuration with the helical spring, the spring is fastened in place by a recess (Figure 2, 29) to thereby provide a physically stable arrangement with the hands-free device secured between the headrest and seat in close proximity to a neck

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and head of a mobile phone user/occupant (Figure 2, 27) in the vehicle seat (column 5, lines 4-39).

Trenkle does not disclose securing the elongated device to the headrest support structure a means of a strap that passes through portion of the device to thereby constrained the elongated device positionally to be in a parallel configuration with the strap, the strap then passing around the support structure whereupon the strap is fastened to itself.

Whitley discloses a method of providing a mobile phone hands-free speaker and microphone device, e.g. a mobile phone, by using an armband device (Figure 8, 30) comprising: securing said device to the armband device by means of a strap (Figure 8, 36) that passes through a slot (Figure 8, 35) to thereby constrain the device positionally to be in a parallel configuration with the strap, the strap then passing around the arm whereupon the strap is fastened to itself (column 5, line 59 – column 6, line 22).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the mobile phone hands-free speaker and microphone device of Trenkle to include a strap as taught by Whitley to provide a hands-free speaker and microphone device that can be detached and moved from a vehicle. One of ordinary skill in the art would have been lead to make such a modification since the armband device can be adjusted and used to secure a hands-free speaker and microphone device on a headrest support structure.

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Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

- U.S. Patent No. 6,094,496 by Stowers, Sr. disclose a vehicle seat backrest that includes speakers and a microphone, wherein the headrest is used with a cellular telephone having a jack into which the microphone and speakers of the backrest are plugged
- 14. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for formal communications intended for entry)

Or call:

(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to: Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (703) 305-4302. The examiner can normally be reached on M-F 8:30-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

lh

July 20, 2004

FAN TSANG SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2600